

AMENDED IN ASSEMBLY JULY 1, 2003
AMENDED IN ASSEMBLY JUNE 23, 2003
AMENDED IN SENATE JUNE 3, 2003
AMENDED IN SENATE APRIL 3, 2003

SENATE BILL

No. 252

Introduced by Senator Alpert

February 18, 2003

An act to amend Section 2069 of the Business and Professions Code, relating to medical assistants.

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as amended, Alpert. ~~Medical assistants~~ *Healing arts.*

Existing law, the Medical Practice Act, defines the term "medical assistant" and sets forth the scope of services a medical assistant is authorized to perform, including a clinical laboratory test or examination under specified circumstances.

This bill would specify that this provision governing medical assistants does not authorize a medical assistant to perform a clinical laboratory test or examination and does not authorize a nurse practitioner, nurse-midwife, or physician assistant to be a laboratory director of a clinical laboratory.

~~Existing law authorizes a medical assistant, under certain conditions, to perform certain tasks and services in licensed clinics upon the specific authorization of a supervising physician assistant, nurse practitioner, or nurse-midwife.~~

~~This bill would delete the requirement that a medical assistant only perform those tasks and services in licensed clinics.~~

~~Existing law prohibits the employment of a medical assistant for inpatient care in a licensed general acute care hospital.~~

~~The bill would instead prohibit the employment of a medical assistant for inpatient care in a licensed health facility or for any purpose in a blood bank.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2069 of the Business and Professions Code is amended to read:

~~2069. (a) (1) Notwithstanding any other provision of law, a medical assistant may administer medication only by intradermal, subcutaneous, or intramuscular injections and perform skin tests and additional technical supportive services upon the specific authorization and supervision of a licensed physician and surgeon or a licensed podiatrist. A medical assistant may also perform all these tasks and services upon the specific authorization of a physician assistant, a nurse practitioner, or a nurse-midwife.~~

~~(2) The supervising physician and surgeon may, at his or her discretion, in consultation with the nurse practitioner, nurse-midwife, or physician assistant provide written instructions to be followed by a medical assistant in the performance of tasks or supportive services. These written instructions may provide that the supervisory function for the medical assistant for these tasks or supportive services may be delegated to the nurse practitioner, nurse-midwife, or physician assistant within the standardized procedures or protocol, and that tasks may be performed when the supervising physician and surgeon is not onsite, so long as the following apply:~~

~~(A) The nurse practitioner or nurse-midwife is functioning pursuant to standardized procedures, as defined by Section 2725, or protocol. The standardized procedures or protocol shall be developed and approved by the supervising physician and surgeon, the nurse practitioner or nurse-midwife, and the facility administrator or his or her designee.~~

~~(B) The physician assistant is functioning pursuant to regulated services defined in Section 3502 and is approved to do so by the supervising physician or surgeon.~~

~~(b) As used in this section and Sections 2070 and 2071, the following definitions shall apply:~~

~~(1) “Medical assistant” means a person who may be unlicensed, who performs basic administrative, clerical, and technical supportive services in compliance with this section and Section 2070 for a licensed physician and surgeon or a licensed podiatrist, or group thereof, for a medical or podiatry corporation, for a physician assistant, a nurse practitioner, or a nurse-midwife as provided in subdivision (a), or for a health care service plan, who is at least 18 years of age, and who has had at least the minimum amount of hours of appropriate training pursuant to standards established by the Division of Licensing. The medical assistant shall be issued a certificate by the training institution or instructor indicating satisfactory completion of the required training. A copy of the certificate shall be retained as a record by each employer of the medical assistant.~~

~~(2) “Specific authorization” means a specific written order prepared by the supervising physician and surgeon or the supervising podiatrist, or the physician assistant, the nurse practitioner, or the nurse-midwife as provided in subdivision (a), authorizing the procedures to be performed on a patient, which shall be placed in the patient’s medical record, or a standing order prepared by the supervising physician and surgeon or the supervising podiatrist, or the physician assistant, the nurse practitioner, or the nurse-midwife as provided in subdivision (a), authorizing the procedures to be performed, the duration of which shall be consistent with accepted medical practice. A notation of the standing order shall be placed on the patient’s medical record.~~

~~(3) “Supervision” means the supervision of procedures authorized by this section by the following practitioners, within the scope of their respective practices, who shall be physically present in the treatment facility during the performance of those procedures:~~

~~(A) A licensed physician and surgeon.~~

~~(B) A licensed podiatrist.~~

~~(C) A physician assistant, nurse practitioner, or nurse-midwife as provided in subdivision (a).~~

~~(4) “Technical supportive services” means simple routine medical tasks and procedures that may be safely performed by a medical assistant who has limited training and who functions~~

~~under the supervision of a licensed physician and surgeon or a licensed podiatrist, or a physician assistant, a nurse practitioner, or a nurse midwife as provided in subdivision (a):~~

~~(c) Nothing in this section shall be construed as authorizing the licensure of medical assistants. Nothing in this section shall be construed as authorizing the administration of local anesthetic agents by a medical assistant. Nothing in this section shall be construed as authorizing the division to adopt any regulations that violate the prohibitions on diagnosis or treatment in Section 2052.~~

~~(d) Notwithstanding any other provision of law, a medical assistant may not be employed for inpatient care in a licensed health facility, as defined in Section 1250 of the Health and Safety Code, or for any purpose in a licensed blood bank, as defined in Section 1600.2 of the Health and Safety Code. A licensed blood bank may employ unlicensed personnel consistent with Section 1607 of the Health and Safety Code.~~

~~(e) Nothing in this section shall be construed as authorizing a medical assistant to perform any clinical laboratory test or examination for which he or she is not authorized by Chapter 3 (commencing with Section 1206.5). Nothing in this section shall be construed as authorizing a nurse practitioner, nurse midwife, or physician assistant to be a laboratory director of a clinical laboratory, as those terms are defined in subdivision (a) of Section 1209 and paragraph (7) of subdivision (a) of Section 1206.~~

2069. (a) (1) Notwithstanding any other provision of law, a medical assistant may administer medication only by intradermal, subcutaneous, or intramuscular injections and perform skin tests and additional technical supportive services upon the specific authorization and supervision of a licensed physician and surgeon or a licensed podiatrist. A medical assistant may also perform all these tasks and services in a clinic licensed pursuant to subdivision (a) of Section 1204 of the Health and Safety Code upon the specific authorization of a physician assistant, a nurse practitioner, or a nurse-midwife.

(2) The supervising physician and surgeon at a clinic described in paragraph (1) may, at his or her discretion, in consultation with the nurse practitioner, nurse-midwife, or physician assistant provide written instructions to be followed by a medical assistant in the performance of tasks or supportive services. These written instructions may provide that the supervisory function for the

1 *medical assistant for these tasks or supportive services may be*
2 *delegated to the nurse practitioner, nurse-midwife, or physician*
3 *assistant within the standardized procedures or protocol, and that*
4 *tasks may be performed when the supervising physician and*
5 *surgeon is not onsite, so long as the following apply:*

6 (A) *The nurse practitioner or nurse-midwife is functioning*
7 *pursuant to standardized procedures, as defined by Section 2725,*
8 *or protocol. The standardized procedures or protocol shall be*
9 *developed and approved by the supervising physician and*
10 *surgeon, the nurse practitioner or nurse-midwife, and the facility*
11 *administrator or his or her designee.*

12 (B) *The physician assistant is functioning pursuant to*
13 *regulated services defined in Section 3502 and is approved to do*
14 *so by the supervising physician or surgeon.*

15 (b) *As used in this section and Sections 2070 and 2071, the*
16 *following definitions shall apply:*

17 (1) *“Medical assistant” means a person who may be*
18 *unlicensed, who performs basic administrative, clerical, and*
19 *technical supportive services in compliance with this section and*
20 *Section 2070 for a licensed physician and surgeon or a licensed*
21 *podiatrist, or group thereof, for a medical or podiatry corporation,*
22 *for a physician assistant, a nurse practitioner, or a nurse-midwife*
23 *as provided in subdivision (a), or for a health care service plan,*
24 *who is at least 18 years of age, and who has had at least the*
25 *minimum amount of hours of appropriate training pursuant to*
26 *standards established by the Division of Licensing. The medical*
27 *assistant shall be issued a certificate by the training institution or*
28 *instructor indicating satisfactory completion of the required*
29 *training. A copy of the certificate shall be retained as a record by*
30 *each employer of the medical assistant.*

31 (2) *“Specific authorization” means a specific written order*
32 *prepared by the supervising physician and surgeon or the*
33 *supervising podiatrist, or the physician assistant, the nurse*
34 *practitioner, or the nurse-midwife as provided in subdivision (a),*
35 *authorizing the procedures to be performed on a patient, which*
36 *shall be placed in the patient’s medical record, or a standing order*
37 *prepared by the supervising physician and surgeon or the*
38 *supervising podiatrist, or the physician assistant, the nurse*
39 *practitioner, or the nurse-midwife as provided in subdivision (a),*
40 *authorizing the procedures to be performed, the duration of which*

1 *shall be consistent with accepted medical practice. A notation of*
2 *the standing order shall be placed on the patient's medical record.*

3 (3) *"Supervision" means the supervision of procedures*
4 *authorized by this section by the following practitioners, within the*
5 *scope of their respective practices, who shall be physically present*
6 *in the treatment facility during the performance of those*
7 *procedures:*

8 (A) *A licensed physician and surgeon.*

9 (B) *A licensed podiatrist.*

10 (C) *A physician assistant, nurse practitioner, or nurse-midwife*
11 *as provided in subdivision (a).*

12 (4) *"Technical supportive services" means simple routine*
13 *medical tasks and procedures that may be safely performed by a*
14 *medical assistant who has limited training and who functions*
15 *under the supervision of a licensed physician and surgeon or a*
16 *licensed podiatrist, or a physician assistant, a nurse practitioner,*
17 *or a nurse-midwife as provided in subdivision (a).*

18 (c) *Nothing in this section shall be construed as authorizing the*
19 *licensure of medical assistants. Nothing in this section shall be*
20 *construed as authorizing the administration of local anesthetic*
21 *agents by a medical assistant. Nothing in this section shall be*
22 *construed as authorizing the division to adopt any regulations that*
23 *violate the prohibitions on diagnosis or treatment in Section 2052.*

24 (d) *Notwithstanding any other provision of law, a medical*
25 *assistant may not be employed for inpatient care in a licensed*
26 *general acute care hospital as defined in subdivision (a) of Section*
27 *1250 of the Health and Safety Code.*

28 (e) *Nothing in this section shall be construed as authorizing a*
29 *medical assistant to perform any clinical laboratory test or*
30 *examination for which he or she is not authorized by Chapter 3*
31 *(commencing with Section 1206.5). Nothing in this section shall*
32 *be construed as authorizing a nurse practitioner, nurse-midwife,*
33 *or physician assistant to be a laboratory director of a clinical*
34 *laboratory, as those terms are defined in paragraph (7) of*
35 *subdivision (a) of Section 1206 and subdivision (a) of Section*
36 *1209.*